

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS  
THIRD DIVISION

JASON HAYS and  
MELISSA HAYS, Et Al

PLAINTIFFS

VS.

CASE NO. 23CV-14-877

EXXON MOBIL CORPORATION,  
Et Al

DEFENDANTS

ORAL DEPOSITION (VIA VIDEO)

OF

JASON L. HAYS

(Taken March 30, 2016, at 1:38 p.m.)

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A P P E A R A N C E S

ON BEHALF OF PLAINTIFFS:

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MR. JOSEPH GATES  
PAUL BYRD LAW FIRM, PLLC  
415 NORTH MCKINLEY  
SUITE 210  
LITTLE ROCK, ARKANSAS 72205

ON BEHALF OF DEFENDANTS:

MR. MICHAEL D. BARNES  
MR. SCOTT A. IRBY  
WRIGHT, LINDSEY & JENNINGS, LLP  
200 WEST CAPITOL AVENUE  
SUITE 2300  
LITTLE ROCK, ARKANSAS 72201

ALSO PRESENT: MR. MIKE TSCHIEMER, the video  
photographer

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## C A P T I O N

ANSWERS AND ORAL DEPOSITION OF JASON L. HAYS,  
(Via Video), a witness produced via notice at the  
request of counsel for the PLAINTIFFS, taken in the  
above-styled and numbered cause on the 30th day of  
March, 2016, before LEE ANN DICKENS, Certified Court  
Reporter, at 1:38 p.m., at the law offices of Mr.  
William Rob Pointer, Duncan Firm, 900 South  
Shackleford Road, Suite 725, Little Rock, Arkansas,  
pursuant to the agreement hereinafter set forth.

\* \* \* \* \*

## S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by and between the  
parties through their respective counsel that the  
oral deposition of JASON L. HAYS (Via Video) may be  
taken for any and all purposes according to the  
Arkansas Rules of Civil Procedure.

\* \* \* \* \*

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P R O C E E D I N G S

THE VIDEO PHOTOGRAPHER: We're on the audio and video record at approximately 1:38 p.m. on March the 30th, 2016.

This is Mike Tschiemer, legal video specialist with Arkansas Legal Video. We're at the Duncan Firm, 900 South Shackleford, Suite 725 in Little Rock, Arkansas to take the deposition of Jason Hays in the matter of Jason Hays, Et Al vs. Exxon Mobile Corporation, Et Al in the Circuit Court of Faulkner County, case No. 23CV-14-877.

The court reporter is Lee Ann Dickens. Will Counsel please state their appearances for the record?

MR. POINTER: Rob Pointer for the Plaintiffs.

MR. GATES: Joseph Gates for Ms. Hays.

MR. IRBY: Scott Irby for the Defendants.

MR. BARNES: Michael Barnes for the Defendants.

THE VIDEO PHOTOGRAPHER: And, Mr. Pointer, will you please move your water bottle.

And, Madame Reporter, will you please  
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1 swear in the witness?

2 THE COURT REPORTER: If you'll raise your  
3 right hand, please, sir.

4 THE WITNESS: (Complies.)

5 THE COURT REPORTER: Do you solemnly  
6 swear or affirm that the testimony you're  
7 about to give is the truth, the whole truth,  
8 nothing but the truth?

9 THE WITNESS: I do.

10 THE VIDEO PHOTOGRAPHER: Thank you.  
11 Please proceed.

12 THEREUPON,

13 JASON L. HAYS,

14 THE WITNESS HEREINBEFORE NAMED,  
15 having been first duly cautioned and  
16 sworn by me to testify to the truth,  
17 the whole truth, and nothing but the  
18 truth, testified on his oath as  
19 follows, to-wit:

20 EXAMINATION

21 BY MR. IRBY:

22 Q Good afternoon, Mr. Hays.

23 A Good afternoon.

24 Q Will you tell me your full name, please.

25 A Jason Lee Hays.

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1 Q Did you say "Lee?"

2 A "Lee."

3 Q L-E-E?

4 A Yes, sir.

5 Q Mr. Hays, my name is Scott Irby. My law firm  
6 represents the Defendants in this lawsuit that you  
7 filed. I'm just here to ask you a few questions  
8 about the case --

9 A Okay.

10 Q -- about your claims, about, you know, the oil  
11 spill itself.

12 A Okay.

13 Q You understand, I guess, that's why we're here  
14 today?

15 A Yes, sir.

16 Q Have you ever given a deposition before?

17 A No, sir.

18 Q Well, this is -- I know you've had an  
19 opportunity to talk to Mr. Pointer about it. It's a  
20 question and answer period. I ask the questions.  
21 You give the answers. And there's just a few ground  
22 rules that I like to kind of remind folks of. No. 1,  
23 make sure you give me a verbal response. In casual  
24 conversation, you know, I can see what you're saying  
25 if you nod your head or shake your head. Lee Ann has

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1 to write it down so she needs a verbal response.

2 A Okay.

3 Q The other thing is try to make sure that you let  
4 me get out my full question before you begin your  
5 answer --

6 A (Witness nods head up and down.)

7 Q -- and I'll try to do the same thing for you.  
8 Sometimes -- and it happens in almost every  
9 deposition. We get to talking and it -- we start  
10 talking over each other and it makes it hard to get a  
11 clean record.

12 If you -- if you don't understand my question  
13 for any reason -- you didn't hear it, you don't  
14 understand it, it's confusing, whatever, just ask me  
15 to rephrase it, restate it, say it again and I'll be  
16 happy to do it. Okay?

17 A Okay.

18 Q I usually take a break about every hour. I  
19 don't think this is going to be a marathon by any  
20 means. But if you need a break for my reason before  
21 the -- before we take one, just let me know and we'll  
22 be happy to accommodate you. I'd just ask that if I  
23 had asked you a question you answer it before we take  
24 a break. All right?

25 A Okay.

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1 Q What's your birthday?

2 A June 24, '71.

3 Q Makes you 43?

4 A Forty-four (44).

5 Q Forty-four (44).

6 And where did you grow up?

7 A Little Rock.

8 Q Did you go to high school in Little Rock?

9 A Yes, sir.

10 Q Which one?

11 A Hall and Central.

12 Q Where did you graduate?

13 A I got a GED.

14 Q Okay.

15 When -- what was your last year completed?

16 A Twelfth (12th). I went through 12. I didn't

17 actually graduate. 12 --

18 Q Okay.

19 A You went through 12 --

20 A Yes.

21 Q -- years -- 12 grade years --

22 A Yes.

23 Q -- but didn't graduate?

24 A Right. Right. Didn't complete it.

25 Q Right.

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1 A So I guess 11.

2 Q Gotcha'.

3 When was your last year -- what year was the  
4 last year in high school?

5 A Oh. '92.

6 Q And were you at Central then or at Hall?

7 A Hall.

8 Q When did you get your GED?

9 A Shortly thereafter. I don't remember the exact  
10 date, but right -- as soon as I -- I left school went  
11 and got my GED.

12 Q And how --

13 A Went to work.

14 Q After you got your GED, have you gone back for  
15 any further education or training?

16 A I did. I got an associate's degree in  
17 electronic engineering technology.

18 Q Where from?

19 A ITT.

20 Q And when did you get that?

21 A 2002, I believe.

22 Q Other degrees? Certifications?

23 A No. That's it.

24 Q After you got your GED, I think you said then  
25 you went right to work; is that right?

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1 A Yes.

2 Q Where did you go to work?

3 A Bruno's Little Italy.

4 Q Out when it was out on -- out west?

5 A Yeah. Out at Bowman Curve.

6 Q How long did you work for Bruno's?

7 A Approximately 5 years.

8 Q What was your job there?

9 A I bussed tables.

10 Q So that would put us some time in the mid or  
11 later part of the '90's? Is that --

12 A Uh-huh.

13 Q Where did you go after that?

14 A Went to work for Grubbs, Garner & Hoskin.

15 That's a drilling firm. They do soil samples, soil  
16 testing.

17 Q Where are they out here?

18 A They're out of Little Rock. They're located off  
19 of Stagecoach.

20 Q Are they still out there?

21 A Yes.

22 Q What did you do for them?

23 A I was a -- they call it roughneck. I just  
24 handles all the pipes and drill rods. Basically a  
25 grunt.

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1 Q Okay.

2 And you would have started that, what, in '97,  
3 '96?

4 A '96 probably. Yeah.

5 Q How long did you work for them?

6 A Two (2) years.

7 Q And did they go all over the state --

8 A Yes, sir.

9 Q -- doing this stuff?

10 A Uh-huh.

11 Q Where did you go after that?

12 A Worked for my dad -- Hays Construction  
13 Company -- doing asphalt paving. And I run a  
14 construction crew for quite some time after I worked  
15 with him for probably 2 or 3 years. Learned the  
16 business.

17 Q Okay.

18 A And I'm working -- 15 years. 16 years.

19 Q You worked for Hays Construction for 15, 16  
20 years?

21 A Yeah. Right around that time.

22 Q So you started kind of in, what, '98, '99 with  
23 him?

24 A I believe so.

25 Q And you would have worked with him up until like  
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1 2005?

2 A 2000- -- yes, sir. On and off. That's correct.

3 Q And during this time I guess that's when you got  
4 your degree --

5 A Yes.

6 Q -- at some point during that?

7 A Uh-huh.

8 Q And we took your wife's deposition earlier. And  
9 she said at some point you-all moved to Florida for a  
10 year --

11 A Uh-huh.

12 Q -- or something like that? When was that?

13 A For half a year. Right after I got out of  
14 school from ITT, so it had to have been, oh, 2002,  
15 2003. It was right after I graduated.

16 Q So were you working for your dad up until the  
17 time you moved to Florida?

18 A Yes. I was. Yeah.

19 Q And I think she said you may have been in the  
20 restaurant business or something --

21 A Yes.

22 Q -- like that?

23 A Yeah. A manager at Pizza -- night manager at  
24 Pizza Hut. Had a little bit of every kind of job  
25 experience.

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1 Q Sounds like it.

2 So you-all came back to home a half a year  
3 later?

4 A Right.

5 Q And did you go back to work for your dad?

6 A Yes.

7 Q When did you leave your dad's employ?

8 A I went to work for the Little Rock National  
9 Airport as an electronic technician using my degree  
10 2005 -- right around 2005.

11 Q Okay.

12 A I worked there for, oh -- no. It was 2006. I  
13 worked there for 6 months. 2006, I believe.

14 Q And what were you doing for them?

15 A Running around doing anything  
16 electronic-related -- fixing monitors, parking gates,  
17 cameras, flight monitors, alarm systems. Pretty  
18 much.

19 Q You were kind of an electronic mechanic or --

20 A Right.

21 Q -- electrics --

22 A Right.

23 Q -- electronic technician --

24 A Uh-huh.

25 Q -- basically?

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1           So you stayed there for 6 months and where to  
2 then?

3    A       Then I went to work for the railroad -- for  
4 Amtrak. My times are off here -- let me count back.  
5 It's 2008 that I was -- worked for the airport  
6 because I know I went -- I went to work for Amtrak  
7 2009. That's what I've had since then.

8    Q       You've been there since --

9    A       Since.

10   Q       -- 2009?

11   A       Yes. Yes. My days --

12   Q       And what is your -- have you had the same job  
13 the entire time you've been at Amtrak?

14   A       Yes, sir.

15   Q       All right.

16           What's your job?

17   A       Conductor -- passenger conductor.

18   Q       So does that mean you drive the drive?

19   A       No. I supervise the train.

20   Q       Okay.

21   A       Supervise the operation.

22   Q       Supervise the operation of the train?

23   A       Yeah. And the employees and all the crew -- all  
24 the crew members on board. Engineers and chefs.

25   Q       Where do you like go to work?

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1 A I go to Little Rock there at the station -- the  
2 old train station there. And I go -- my route is  
3 Little Rock to Marshall, Texas. And if you want to  
4 work north out of Little Rock, you go Little Rock to  
5 St. Louis. I go that route, too. But my steady job  
6 is Little Rock to Marshall, Texas.

7 Q But you have to -- you drive to Little Rock to  
8 get to the train --

9 A Right.

10 Q -- get on it --

11 A Right.

12 Q -- to start your job?

13 A Right.

14 Q And if your -- your position as supervisor  
15 actually requires you to get on the train --

16 A Of course.

17 Q -- and go to Marshall, Texas?

18 A Yes.

19 Q Or conductor.

20 Does it make that trip every day or --

21 A Yes.

22 Q -- is that round-trip every day?

23 A There's two trains that run through there.

24 You've got 21 and 22. Yes.

25 Q How long --

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1 A Back and forth.

2 Q So do you go -- just on your regular day, you go  
3 to Little Rock, you get on the train, go to Marshall,  
4 Texas and come back and then go home all in the same  
5 day?

6 A Yeah. But I lay over in Marshall, Texas. We  
7 get there about 7:00 in the morning if we're lucky,  
8 lay over in a hotel and come back at 7:00 -- get on  
9 the train at 7:00 that evening. Usually takes about  
10 4, 4-and-a-half hours to get both ways.

11 Q Are there -- I'm just curious.

12 A Yeah.

13 Q Are there stops along that --

14 A Yeah.

15 Q -- route? Okay.

16 A Yeah.

17 Q Where do you stop?

18 A We stop at Malvern, Arkadelphia, Hope and  
19 Texarkana in between Marshall or Little Rock and  
20 Marshall.

21 Q Okay . And let's see.

22 You-all -- when you came back from Florida, I  
23 think your wife told us that you lived I think in a  
24 couple of apartment complexes for a few years before  
25 moving out to Mayflower --

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1 A Uh-huh.

2 Q -- in -- I think in '07?

3 A Uh-huh.

4 Q Does that sound right?

5 A Yes, sir.

6 Q And you-all got married in '09, right?

7 A Yeah. '09. That sounds right.

8 MR. IRBY: I don't want you to get in  
9 trouble.

10 THE WITNESS: Right.

11 Q (By Mr. Irby) Have you ever had any other  
12 marriages?

13 A No.

14 Q Do you have any children?

15 A No.

16 Q I think your wife told us that your dad lives  
17 maybe somewhere in Mayflower; is that correct?

18 A No. He -- he lives about 20 minutes away and  
19 that's on the Jacksonville/Conway road.

20 Q So if you're trying to get to his house, how do  
21 you go?

22 A I just go down 89.

23 Q And it's straight east, I guess --

24 A Uh-huh.

25 Q -- on 89?

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1 Is he in -- do you know what -- is he in Pulaski  
2 County?

3 A Yes.

4 Q And I think she said you have one sister; is  
5 that right?

6 A I've got a -- I've got two sisters -- two  
7 half-sisters.

8 Q Okay.

9 And what are their names?

10 A Jennifer Mains and Mindy Draper. My parents got  
11 divorced early.

12 Q Tell me -- how do you spell Jennifer's last  
13 name?

14 A M-A-I-N-S. Mains.

15 Q And where does Jennifer live?

16 A Right there beside my dad in a rent house.

17 Q She's in Pulaski County?

18 A Yes.

19 Q What about Mindy?

20 A She lives over in Pleasant Forest -- Pleasant  
21 Forest community.

22 Q Here in Little Rock?

23 A Yeah.

24 Q What about your mom?

25 A She lives mid-town right -- on Shamrock Drive.

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1 Q In Little Rock?

2 A Yeah. Across from Leawood across Mississippi  
3 Avenue from Leawood.

4 Q Other than your wife, do you have any kin that  
5 live in Faulkner County?

6 A No, sir.

7 Q Ever been in the military?

8 A No, sir.

9 Q Ever been convicted of a felony?

10 A No.

11 Q Any bankruptcies?

12 A No.

13 Q Ever had to file a claim for an injury of any  
14 kind? Workers' comp or just any kind?

15 A Yes. I did. I got injured about a year ago at  
16 Amtrak.

17 Q What happened?

18 A I was working a baggage (inaudible) door and  
19 ruptured a biceps tendon.

20 Q Oh, okay.

21 A Had a couple of surgeries on it. Actually about  
22 a year-and-a-half ago. I've been back approximately  
23 6 months.

24 Q How much work did you miss?

25 A I'd say 10, 11 months.

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1 Q Any other work-related injuries?

2 A No.

3 Q What about have you ever filed any other  
4 lawsuits?

5 A No.

6 Q Or been a defendant in one?

7 A No.

8 Q You told me about your biceps surgery. Have you  
9 had any other surgeries?

10 A No.

11 Q What about --

12 A That's it.

13 Q -- hospitalizations other than your surgeries --  
14 biceps surgeries?

15 A No.

16 Q Are you currently on any kind of medication?

17 A I take Lisinopril and Welbutrin.

18 Q Lisinopril -- what was the second one?

19 A Welbutrin -- Welbutrin. Sorry. Frog in my  
20 throat

21 Q What is the Lisinopril for?

22 A Blood pressure. Hypertension.

23 Q And who treats you for that. What doctor?

24 A Dr. Blair Greenwood.

25 Q There at Mayflower Medical?

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1 A Yeah. And the other one as well, Welbutrin.

2 Q Is that also for blood pressure?

3 A No. That's for anxiety and depression.

4 Q And that's also Dr. Greenwood?

5 A Yes.

6 Q How long have you been taking blood pressure  
7 medicine?

8 A Blood pressure medicine I've been taking  
9 approximately 6 years.

10 Q What about anxiety medicine?

11 A I just started taking this in -- it's been about  
12 8 months or so. Rough estimate.

13 Q Have you any other doctors other than Dr.  
14 Greenwood for your anxiety or depression?

15 A Yes. I saw Dr. Stinnet and that was in 2012,  
16 but that was due to an incident I don't want to talk  
17 about really -- trespassers strike. I was actually  
18 an engineer.

19 Q It was some kind of work-related incident?

20 A It was work-related, but I didn't -- there  
21 wasn't a case against it or anything. I just took  
22 some time off from that.

23 Q And I'm not -- I don't want really have that  
24 much interest in delving into it, but are you

25 contending or claiming that any anxiety or depression

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1 that you have right now relates to the oil spill?

2 A It could definitely attribute to it.

3 Q Okay.

4 So tell me what then -- and I -- what happened  
5 in 2012 that caused your anxiety?

6 A Okay. I was operating a train and -- in  
7 Illinois and came around a corner and there was a  
8 young girl standing in the middle of the tracks.  
9 Couldn't stop the train.

10 Q And that understandably caused you some  
11 emotional problems?

12 A A little bit.

13 Q And you went to see Dr. Stinnet for that?

14 A Uh-huh.

15 Q And where is he? Where is -- what's -- where is  
16 his office?

17 A I don't know -- he's with St. Vincent. I don't  
18 know what the actual address is. It's over there by  
19 St. Vincent.

20 Q Is it St. Vincent in Little Rock?

21 A Yeah.

22 Q Down University?

23 A Off of Markham.

24 Q Off Markham?

25 A Yeah.

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1 Q And how long did you treat -- did you treat with  
2 Dr. Stinnet for a period of months or a year or --

3 A Six (6) months.

4 Q And were you on medication -- did he put you on  
5 any kind of medication?

6 A Cymbalta.

7 Q And how long did you take that? For 6 months or  
8 for longer?

9 A Probably 6 -- probably 6 months after the fact.

10 Q Did he diagnose you with a particular condition?

11 A PTSD.

12 Q After 6 months, was that the last time you had  
13 PTSD problems?

14 A As far as I know. As far as I know, I was  
15 released -- cleared from him.

16 Q Okay.

17 So, for instance, today you're not being treated  
18 for PTSD?

19 A No.

20 Q All right.

21 A It was just the initial -- you know, me coping  
22 with what had happened. That's it.

23 Q So then we fast-forward. Now you're being  
24 treated by Dr. Greenwood in the last I think 8 months  
25 or so you said?

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1 A Uh-huh.

2 Q For anxiety and depression?

3 A Yes.

4 Q Is that accurate?

5 A Yes.

6 Q Had you ever had any treatment at all for

7 anxiety or depression --

8 A No.

9 Q -- before then?

10 A No.

11 Q And I think you said that -- that it could be

12 related to the oil spill? Is that what you said?

13 A I said the oil spill can contribute to it if I

14 have any kind of anxiety today. Just not being able

15 to -- not knowing exactly what the future holds.

16 Q In what way are you talking about?

17 A Health -- health-related. Property value. Just

18 peaceful -- it used to be peaceful out there. I just

19 don't feel that sense of peace any more. I liked to

20 fish in Lake Conway, was an avid fisherman and just

21 don't fish Lake Conway any more.

22 Q So the -- you think the anxiety could be

23 contributed by --

24 A Most definitely.

25 Q -- your fear -- I think what you told me is

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1 you've got concern about -- about your health?

2 A Concern -- well, future concern about my health.  
3 What may happen in the future because of this. You  
4 know, I can't see down the road.

5 Q Have you -- have you talked to any doctor about  
6 long-term effects of --

7 A No.

8 Q Have you read any literature that gives you any  
9 concern about some kind of long-term effect from --

10 A No.

11 Q -- the oil spill?

12 A No.

13 Q You said that -- also I think you mentioned  
14 property value?

15 A Yeah. I have concern that it's affected  
16 property value.

17 Q And what is that concern based on?

18 A It's just my -- my concern. That's just my  
19 feeling of it. Something like that happens and it  
20 tends not to be good for the general area.

21 Q Have you -- have you done any kind of looking at  
22 property values at all?

23 A No.

24 Q Have you commissioned any kind of appraisal of  
25 your property?

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1 A No.

2 Q Has the property that's -- you-all live at 36  
3 Ledrick, right?

4 A That's correct.

5 Q Has that property ever been appraised, to your  
6 knowledge?

7 A No.

8 Q And you mentioned that it used to be peaceful.  
9 What is the -- how -- how is it not peaceful today as  
10 it was then?

11 A It's just I don't -- just the -- I guess just  
12 the mentality of what has happened as far as wildlife  
13 around there. My backyard, for instance, the grass  
14 seems like it has diminished and has more weeds in it  
15 now. I had a nice backyard before it happened.

16 Q What else is -- what else are you thinking of  
17 when you're saying it's not as peaceful?

18 A Well, it's just not as tranquil. It's not as  
19 homely as it was. It don't have that that feeling of  
20 you're at total peace when you're at your house. You  
21 don't know if the stuff is in the walls, whatever is  
22 in the air. You don't know, you know, if it's in the  
23 ground. That's just general concerns I have. You  
24 don't know if it's seeped into your carpet or into  
25 the walls in your house. Just unknowing keeps you

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1     uneasy.

2     Q     Have you -- to try to figure out if it's in the  
3     ground, have you tried to get any soil samples done?

4     A     I haven't done any of that.

5     Q     You worked for a company formerly that did soil  
6     sampling, right?

7     A     Right.

8     Q     Have you called them up to see if they wanted to  
9     come out and check it out?

10    A     No.

11    Q     Have you changed the carpet or --

12    A     No.

13    Q     -- painted the walls?

14    A     I haven't done -- I did paint the walls -- paint  
15    the walls over in my livingroom.

16    Q     The grass diminished --

17    A     Yes.

18    Q     -- you said?

19    A     I've got spotty pieces of grass.

20    Q     And do you know whether that is related to the  
21    spill or are you just --

22    A     I believe it is.

23    Q     You believe it is?

24    A     Yes.

25    Q     Was there ever any oil that you saw on your

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1 property?

2 A There was oil in the ditch line behind my house.

3 Q Okay.

4 When did you see that?

5 A Shortly after it happened when it rained. We  
6 had a pretty heavy rain.

7 Q So are you saying like a week after or the day  
8 after or --

9 A No. I don't remember the exact time frame, but  
10 it rained shortly thereafter. It rained pretty good.

11 Q And so you --

12 A And I walked outside and noticed the ditch was  
13 full and it looked like it -- a top coat with scum on  
14 it.

15 Q What did the scum look like?

16 A Dark.

17 Q Dark?

18 A Yeah.

19 Q Did you take any pictures of the scum?

20 A Sure didn't.

21 Q Was there ever -- I assume there was -- you  
22 never -- didn't take any samples or it wasn't tested,  
23 to your knowledge?

24 A No.

25 Q How do you know it was the oil from the oil

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1 spill?

2 A Just -- I feel it's common sense. All the stuff  
3 was in the air for a long time. And you step  
4 outside, it'd burn your eyes, had nausea. And I know  
5 it -- I -- I -- pretty positive it seeped into the  
6 environment around it. And whenever it rained, it  
7 was just in the air -- that heavy thick whatever it  
8 was -- chemical. When it rained, it brought it all  
9 down.

10 Q Does the ditch that runs behind your property go  
11 up around where the spill happened?

12 A It goes -- it runs this way -- the spill  
13 happened right here. It runs this way and meanders  
14 off that way like that.

15 Q Where does the water -- does the water come like  
16 --

17 A The water comes from off the mountain, I  
18 believe, from the ditch.

19 Q And heads across -- I guess east across your  
20 property --

21 A That's correct.

22 Q -- or behind your property --

23 A That's correct.

24 Q -- and then goes out toward Main Street?

25 A That's correct.

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1 Q And where it -- does it -- so -- does the -- is  
2 the genesis or the origin of the ditch in North Woods  
3 or is it somewhere west of you?

4 A I've never followed it. I'm not sure. I don't  
5 know.

6 Q Did you ever see like oil from the North Woods  
7 area where the spill occurred feeding into the ditch  
8 that goes behind your property?

9 A No.

10 Q So the scum -- do you think that just came more  
11 from the air or how do you think that scum got to be  
12 in the --

13 A I think that the oil was in the grass. And the  
14 grass line -- I guess the grass that was along the  
15 ditch. When it rained and you had runoff into the  
16 ditch, I think that's where it came from.

17 Q Okay.

18 And how many times did you see this scum in the  
19 ditch?

20 A Just that initial big rain.

21 Q And did the water or the scum from the ditch get  
22 up into your grass?

23 A I don't know. I don't know if it did or not.

24 Q Did you ever see the ditch overflowing into your  
25 yard?

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1 A It had before, but they had deepened it out --  
2 widened it a little bit. And I don't think it did.

3 Q By the time the oil spill had occurred, they had  
4 deepened it and widened it and you don't think it had  
5 gotten out of its banks since then?

6 A I don't believe so.

7 Q All right.

8 The -- you said something about the fish in Lake  
9 Conway. You used to fish there.

10 A Uh-huh.

11 Q And you haven't fished in Lake Conway at all  
12 since the spill?

13 A No.

14 Q And why -- why is that?

15 A I don't want to eat the fish out of it. I've  
16 got concerns about the whole general area in there.  
17 Oil -- it's all the oil -- whatever you call those  
18 things -- the booms. And just -- I'm really unsure  
19 about it.

20 Q Have you seen reports about whether or not Lake  
21 Conway has, you know, an oil problem?

22 A No. I'm not going to risk it. I'm not going to  
23 risk eating any fish out of there.

24 Q Where do you fish now?

25 A Go to the river and several other bodies of

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1 water. Just anywhere but Conway.

2 Q All right. I kind of jumped ahead of what I  
3 normally -- where I normally go, but that's all  
4 right. We'll -- we'll go back in time a little bit  
5 and then probably come back to some of this at the  
6 end.

7 So tell me about March 29th, 2013. That was the  
8 day of the spill. Do you remember whether you were  
9 working or not --

10 A Yeah.

11 Q -- that day?

12 A I had just got off work and got off the exit  
13 ramp and went across the bridge and there was a bunch  
14 of police cars there and they stopped me and what's  
15 going on and they let me know -- or they didn't tell  
16 me that right off the bat. They just said they had  
17 an emergency. Well, I live, you know, back in  
18 Ledrick Circle. I said, What's going on. Well,  
19 there's an oil spill that had happened. So they let  
20 me through eventually.

21 Q Okay.

22 A But then I went home and -- I smelled the smell  
23 as soon as I got to -- a little bit past Morgan this  
24 bad smell in the air.

25 Q And what time of day night was this?

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